IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.117 OF 2004

Smt.Sangita Santosh Vishwakarma. ... Applicant.

Versus.

Snatosh Kumar Shivmurat. ... Respondent.

Shri D.K.Raje for the Applicant.

CORAM : ABHAY S. OKA, J.

DATED : 22nd February, 2005.

P.C.:

1. Perused the affidavit of service filed by the Applicant dated 11th February 2005. The said affidavit has postal envelop annexed thereto which shows that the notice has been refused by the Respondent. The statement made in the affidavit of service is accepted.

None appears for the Respondent.

2. Heard the learned Advocate for the Applicant. The Applicant is the wife and the Respondent is the husband. The Applicant wife is resident of Dahisar, Mumbai. The Applicant has filed an application for maintenance under section 125 of the Code of Criminal Procedure, 1973, in the Family Court at Bandra, Mumbai and the said application is pending. The Respondent-husband has field a petition for divorce in the Court of the Civil Judge, Senior Division, Amravati.

3. It is stated in the Application that the Applicant

is residing in Mumbai with her parents. It is stated that it is not possible for the Applicant-wife to go to Amravati to attend the matrimonial petition pending in the Court at Amravati. The Applicant has no place to stay at Amravati and she will not be able to arrange for any place at Amravati where she can stay. It is stated that she will not be able to attend the proceedings pending in the Court at Amravati due to her poor financial position.

4. The averments made in paragraphs 5 to 7 of the Application have remained uncontroverted. Hence a case for transfer is made out.

5. Accordingly the Application is allowed in terms of prayer clause (a). After the petition is transferred from the Court of the Civil Judge, Senior Division at Amravati to the Family Court at Bandra, the concerned Court will issue notice of the date fixed to both the parties.

6. The parties and the concerned Court to act on an authenticated copy of this order.

Judge.